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DAVID GUCWA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC., and MARK ZUCKERBERG, Plaintiff, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), et al., Defendants.	Case No. C 07-01389-RS **NOTICE OF JOINDER TO CONNECTU'S MOTION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56(f); DECLARATION OF VALERIE M. WAGNER IN SUPPORT THEREOF** Date: February 20, 2008 Time: 9:30 a.m. Courtroom: 4 Judge: Hon. Richard Seeborg

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Defendant David Gucwa hereby joins in the motion filed by co-defendant ConnectU, L.L.C. and others pursuant to Federal Rule of Civil Procedure 56(f), and the related motion pursuant to Civil L.R. 6-3. Gucwa filed his initial answer to the Second Amended Complaint in September 2007 and is currently investigating the claims asserted against him in this case, which has been pending since mid-2005. He has been advised that the discovery exchanged in the related Massachusetts action, to which he is not a party, has been deemed to have been made in this case. As set forth in more detail below, Gucwa understands that several hundreds of thousands pages of documents and source code have been produced in this case and the Massachusetts action by the other parties.

Plaintiffs' motion for summary judgment concerns a claim asserted against Gucwa under California Penal Code section 502(c). The allegations are detailed and complex, as demonstrated by plaintiffs' voluminous summary judgment papers. Gucwa understands that some of the documents used by plaintiffs in support of their motion had not been produced to any of the defendants until two days after the motion was filed.

Gucwa's counsel has commenced his review of the voluminous evidence amassed in this case, but has yet to complete it due to the huge quantity of documents. Apparently, over 100,000 pages have been produced by the parties, as well as multiple CDs of source code. Plaintiffs have produced to Gucwa so far only a fraction of the documents they previously produced to other defendants, making it even more difficult for him to prepare a defense. Likewise, plaintiffs have had over two years to review the evidence and research the law regarding this matter, whereas Gucwa has only had four months to do so.

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For the reasons set forth above and in the attached Declaration of Valerie M. Wagner, Gucwa respectfully joins in the request by the other defendants that plaintiffs' motion for summary judgment be taken off calendar to allow him time to further evaluate this case and prepare his defense.

Dated: January 11, 2008

DECHERT LLP

By: /s/Valerie M. Wagner
Valerie M. Wagner

Attorneys for Defendant
DAVID GUCWA

DECLARATION OF VALERIE M. WAGNER

I, Valerie M. Wagner declare,

1. I am an attorney at law duly admitted to practice in the State of California and the District Court for the Northern District of California. I am a partner in the law firm Dechert LLP ("Dechert"), counsel of record for defendant David Gucwa in this action. The following declaration is based on my personal knowledge. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. I have read Defendant ConnectU, L.L.C.'s ("ConnectU") Motion Pursuant to Federal Rule of Civil Procedure 56(f) and the accompanying Civil L.R. 6-3 application. I agree that at least the discovery identified in these pleadings is necessary before my client can adequately prepare an opposition to Plaintiffs' Motion for Summary Judgment.

3. The facts as set forth in the Joinder above are true and correct. In addition to the discovery identified in ConnectU's pleadings, my client will need additional time to review the hundreds of thousands of pages and the several CD's filled with source code that I am advised have been produced by the other defendants and plaintiffs. At the time of the upcoming Case Management Conference, I will be prepared to advise the Court how long I would expect my review of this large file to take. We anticipate that once my review is completed, Gucwa will need to propound written discovery and possibly to notice depositions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of January, 2008 in Mountain View, California.

/s/Valerie M. Wagner_________
Valerie M. Wagner